

C.C.R.B CASE CLOSING FORM

Investigator assigned: McEnany		Team: 5	CCRB#: 9701830	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Date of incident: 5/10/97	Time of incident: 9:00 AM	Location of incident: in front of 2152 Crotona Parkway, Bronx	Pct. of occurrence: 048	Date S.O.L. Expires: 11/10/98
Date reported: 5/27/98	Time reported: 8:46 AM	To whom/where/how reported: Complainant called CCRB for appointment		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address: see above		
Witness(es): § 87(2)(b)		Home address: § 87(2)(b)		
Subject officer(s) (include rank): PO Roger Savage PO Robert Abramson		Shield: 5804 24409	Tax: 902367 905644	Command: SCU SCU
Witness officer(s) (include rank): PO John Scanlon PO Sandor Kissi Sgt. Liam Duffett		Shield: 14782 24423 629	Tax: 895972 897791 893003	Command: SCU SCU SCU

Allegation(s) by letter:	Recommendation(s):
A. PO Roger Savage used excessive force when he shoved § 87(2)(b) backwards three times in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
B. PO Roger Savage used excessive force when he punched and kicked § 87(2)(b) repeatedly in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
C. PO Roger Savage used excessive force when he put § 87(2)(b) in a chokehold in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
D. PO Roger Savage used discourteous language when he called § 87(2)(b) a "stupid fuck" in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
E. PO Roger Savage punched § 87(2)(b) in the face and elbowed him in the ribs while enroute to the precinct in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
F. PO Roger Savage frisked § 87(2)(b) in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
G. PO Robert Abramson used excessive force when he punched § 87(2)(b) in the face in violation of Partol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
H. PO Robert Abramson kneeled § 87(2)(b) in the face while § 87(2)(b) was on the ground in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]
I. Unidentified MOS searched § 87(2)(b) friends' car in violation of Patrol Guide procedure 104-01.	§ 87(2)(g) [REDACTED]

Summary

§ 87(2)(b) states that on 5/10/97 at approximately 9:00 PM, he and his three friends, § 87(2)(b), § 87(2)(b) and § 87(2)(b) from the neighborhood were sitting in § 87(2)(b) car trying to decide what to do that evening. § 87(2)(b) car was parked in front of 2152 Crotona Parkway in the Bronx. § 87(2)(b) states that there was music on, no one was being loud, and that all they were doing was talking. Another friend, § 87(2)(b) had pulled up in his car and asked the guys what they were doing that night. § 87(2)(b) stated that § 87(2)(b) was a friend of § 87(2)(b) and he reallt did not know him that well.

As the men in each car were talking and making plans, § 87(2)(b) stated he saw an unmarked car with two plainclothes officers in it pick up three plainclothes officers who were on foot in the park. According to § 87(2)(b), the car was a dark blue Ford Escort/Taurus. The unmarked car then pulled up next to § 87(2)(b) car, all of the officers got out and came over to § 87(2)(b) car. None of the officers went over to § 87(2)(b) car. Two officers went over to the driver's side of the car while the other three were at the passenger side. The two officers who were on the driver's side asked § 87(2)(b) friend, § 87(2)(b) to turn the ignition off. Both officers, later found to be PO Roger Savage and PO Robert Abramson, told everyone to step out of the car. The other three officers, who had been on the passenger side all this time, began to search the car. PO Savage and PO Abramson escorted all four men to the back of § 87(2)(b) car and told them to put their hands on the car. All four men were pat searched.

After PO Savage and his partner searched the four men, both officers told the four men that they could go back inside the car. As § 87(2)(b) went to go to the passenger door on the right side, he states PO Savage tapped him on the right shoulder and said "come over here." PO Savage then walked § 87(2)(b) approximately two-three cars behind from where § 87(2)(b) car was. PO Savage grabbed § 87(2)(b) by the front of the jacket in the middle of his

chest and stated "Whenever I tell you to do something, you don't ask any questions, you just do it." § 87(2)(b) states PO Savage was then shoving him in his chest backwards towards the hood of either a third or fourth car. § 87(2)(b) attempted to hold onto PO Savage's hand to stop the PO from shoving him. PO Savage then grabbed § 87(2)(b) from around the neck. PO Abramson came from behind § 87(2)(b) on the left side and punched § 87(2)(b) on the left side of his face. § 87(2)(b) attempted to release himself from the neck hold and to cover his face with his left arm. § 87(2)(b) states at the same time, PO Savage punched him in the right side of his face. § 87(2)(b) lost his balance and fell to the ground. § 87(2)(b) states as he was kneeling on the ground with his head down, PO Abramson kneed him in his face, jerking his head up. § 87(2)(b) states PO Savage punched him in the face again, and he was then handcuffed. § 87(2)(b) states neither officer hit him again after this because people from the neighborhood were standing outside yelling at the officers. § 87(2)(b) could not provide any specific names of witnesses, however his father provided the names of § 87(2)(b) and § 87(2)(b)

Both § 87(2)(b) and § 87(2)(b) state in their interviews that five men drove up to the car that § 87(2)(b) and his friends were in and ordered the young men out of the car, stating that they were police. Both state that the young men were all frisked and handcuffed at the back of the car while the officers searched the car. § 87(2)(b) could not see very well from where she was standing, however, § 87(2)(b) states he had walked closer to see what was happening since they both recognized § 87(2)(b) as friend's son. § 87(2)(b) stated that "§ 87(2)(b) tried to get smart with the officers" and that two of the officers threw him to the ground face first between two cars. Both § 87(2)(b) and § 87(2)(b) stated in their interviews that it appeared that the officers were kicking § 87(2)(b) and yelling at him. They stated that "they stopped what they were doing when they realized that people were watching" and put § 87(2)(b) in the police car and left.

§ 87(2)(b) was put into the police vehicle by PO Savage and PO Abramson. PO Savage sat in the back seat with § 87(2)(b) on his left side. PO Savage's partner sat in the front seat with the two other officers. § 87(2)(b) states the officers took the long way to the precinct by going down Bronx Park South to the end, made a right and came back up 180th St., went up East Tremont, came back around and went down Boston Rd., then down 161st St. § 87(2)(b) states that the officers did this because PO Savage was hitting him in the face and elbowing him in the ribs enroute to the precinct. § 87(2)(b) states PO Savage said "What are you stupid? Trying to force yourself against us?" As § 87(2)(b) was going to answer, PO Savage elbowed him in the ribs. § 87(2)(b) also states that PO Savage kept saying "Look at me" and when § 87(2)(b) did he would punch him in the face. He states PO Savage called him a "stupid fuck, keeps falling for it." § 87(2)(b) estimates this was done approximately 15 times in the police vehicle before he got to the precinct.

At approximately 10:30 pm, § 87(2)(b) was brought into the 48 precinct. § 87(2)(b) was fingerprinted and his information taken for his paperwork. § 87(2)(b) states that PO Savage was filling out the DAT report and changed his DOB on the paper from § 87(2)(b) to § 87(2)(b). § 87(2)(b) states that at one point when PO Savage walked away, PO Savage's partner looked at the DAT PO Savage filed out. He asked § 87(2)(b) "How old are you?" § 87(2)(b) answered "§ 87(2)(b)." The officer then said "You were born in § 87(2)(b) and you're § 87(2)(b)?" § 87(2)(b) stated "No, I was born in § 87(2)(b)." PO Savage came over at that point and made a quieting motion to his partner. He then told § 87(2)(b) not to worry about it. PO Savage then changed the date back. § 87(2)(b) left the precinct. § 87(2)(b) was given a DAT for § 87(2)(b). He also did not receive any medical treatment for injuries.

Investigator found there to be four (4), not five (5) MOS involved in the alleged incident with § 87(2)(b) and his three (3) friends. PO Scanlon, PO Kiss, PO Abramson and PO Savage all indicated that they were conducting a 1730 x 0205 tour of duty out of the Street Crime Unit. The four MOS were assigned to patrol the area around the

park for possible problems. All four MOS indicated that the park seems to be an area well known for drug dealing and disorderly groups; especially during the summer months. PO Scanlon was the operator, PO Savage the recorder, and PO Kiss and PO Abramson in the back seat of a 1988 dark blue Ford Taurus. All four MOS indicated in their interviews that PO Savage noticed four (4) young males who were about to enter a car parked approximately 1-2 car lengths away from their vehicle on the corner of Bronx Park South and Southern Boulevard. PO Savage had told his partners that he wanted to investigate because one of the males, later to be § 87(2)(b) had made a questionable adjustment to his waistband and it was thought that § 87(2)(b) may be carrying an illegal weapon. PO Savage elaborated that when "rookie" MOS are first on the job they are not used to carrying a weapon and are constantly checking their waistband and moving the weapon around in the waistband area. He states that he observed § 87(2)(b) doing the same sort of questionable adjustment and felt that the situation should be investigated.

Analysis

Several attempts were made to get in touch with § 87(2)(b) in regards to the three (4) men listed by him in his interview as individuals who were present and witnessed the incident. However, § 87(2)(b) never returned Investigator's telephone calls nor answered Investigator's letters in regards to providing information on witnesses. § 87(2)(b) was considered uncooperative after these several attempts between 5/30/97 and 10/15/97 as noted on telephone log. Investigator did speak to § 87(2)(b)'s father on 6/23/97, who indicated two (2) possible witnesses, § 87(2)(b) and § 87(2)(b), both of whom were interviewed by Investigator at CCRB on 8/11/97. § 87(2)(b) § 87(2)(b)'s girlfriend, was also a witness to the alleged incident. § 87(2)(b) accompanied § 87(2)(b) to CCRB for his interview, however, she refused to be interviewed at that point stating that "she was scared and wasn't ready" and indicated to Investigator that she wished to set up another appointment (see enc. 4-4a). Several attempts were made to get in touch with § 87(2)(b) after this initial contact, however, § 87(2)(b) never returned Investigator's phone calls and was therefore determined to be uncooperative.

PO Roger Savage used excessive force when he shoved § 87(2)(b) backwards three times in violation of Patrol Guide procedure 104-01 (allegation A). PO Savage does not recall the allegation, stating that he does not recall if in fact he shoved § 87(2)(b) at any time during the incident. He states that at one point, § 87(2)(b) grabbed him and pulled PO Savage towards him. PO Savage states that he put his arm out in front of him to keep some distance between himself and § 87(2)(b) since he did not know what § 87(2)(b)'s intentions were. PO Savage also states that § 87(2)(b) shoved him in his attempt to resist being frisked by him. PO Abramson concurs with PO Savage's statement, stating that he saw § 87(2)(b) shove PO Savage as he was attempting to frisk § 87(2)(b). However, he does not recall seeing PO Savage ever shove § 87(2)(b). PO Kiss, who assisted PO Savage and PO Abramson in arresting § 87(2)(b), does not recall seeing any shoving by either party. PO Scanlon was in the process of frisking one of § 87(2)(b)'s friends when the incident occurred, § 87(2)(g). Both Ben and § 87(2)(b) witnesses to the alleged incident, state nothing in their interviews about either § 87(2)(b) or any MOS shoving each other. § 87(2)(b)

PO Roger Savage used excessive force when he punched § 87(2)(b) twice and kicked him in violation of Patrol Guide procedure 104-01 (allegation B). PO Savage denies the allegation, stating that he never punched or kicked

§ 87(2)(b) either during the incident. He does state however, that since § 87(2)(b) attempted to resist arrest by flailing his arms about, PO Savage attempted to get a hold of § 87(2)(b) arms and get § 87(2)(b) on his knees to the ground.. Both PO Abramson and PO Kissh state they were the MOS who assisted PO Savage in effecting the arrest of § 87(2)(b) and that § 87(2)(b) did resist arrest and made things difficult for PO Savage. PO Savage's partners, PO Scanlon, PO Abramson and PO Kissh all concur with PO Savage's statement, stating that none of them saw PO Savage ever punch or kick § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) witnesses to the alleged incident, state nothing in their interviews about seeing § 87(2)(b) being punched in the face, however they do state they saw § 87(2)(b) being kicked. Both of them also state that § 87(2)(b) was slapped up side the head by one of the officers assisting PO Savage. Sergeant Duffett, the Desk Sergeant on duty at the time § 87(2)(b) was brought into the precinct, stated that if § 87(2)(b) was injured or appeared injured it would have been noted in the command log entry. Command log entry does not indicate any such questionable condition for § 87(2)(b). § 87(2)(b) also denies receiving medical treatment for any physical injuries incurred. § 87(2)(b) filed a complaint with IAB stating he had pictures of his bruises, however, he did not have them at the time of his interview with CCRB and was uncooperative in returning Investigator's phone calls regarding pictures as well as other information. Also, Investigator noted in § 87(2)(b) interview that while the interview was taking place 10 days after the alleged incident, § 87(2)(b) did not appear to have any visable healing lacerations or contusions. § 87(2)(g)

PO Roger Savage used excessive force when he put § 87(2)(b) in a chokehold in violation of Patrol Guide procedure 104-01 (allegation C). PO Savage denies the allegation, stating that he never put § 87(2)(b) in a chokehold during the incident. PO Savage's partners, PO Scanlon, PO Abramson and PO Kissh all concur with PO Savage's statement, stating that none of them saw PO Savage ever put § 87(2)(b) in a chokehold. Both § 87(2)(b) and § 87(2)(b) witnesses to the alleged incident, state nothing in their interviews about seeing § 87(2)(b) being put in a chokehold.

PO Roger Savage used discourteous language when he called § 87(2)(b) a "stupid fuck" in violation of Patrol Guide procedure 104-01 (allegation D). PO Savage denies the allegation, stating that he was never discourteous § 87(2)(b) either during the incident or enroute to the precinct. PO Savage's partners, PO Scanlon, PO Abramson and PO Kissh all concur with PO Savage's statement, stating that none of them heard PO Savage use discourteous language towards § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) were not witnesses to the alleged incident since the discourteous language used by PO Savage was allegedly used enroute to the 048 precinct. However, § 87(2)(b) states that § 87(2)(b) did "try to get smart" with PO Savage when the four MOS initially confronted the four (4) young men,

PO Roger Savage punched § 87(2)(b) in the face and elbowed him in the ribs while enroute to the precinct in violation of Patrol Guide procedure 104-01 (allegation E). PO Savage denies the allegation, stating that he never punched § 87(2)(b) enroute to the precinct. Both PO Abramson and PO Kissh state they were the MOS who assisted PO Savage in effecting the arrest of § 87(2)(b) and that § 87(2)(b) did resist arrest and made things difficult for PO Savage. PO Savage's partners, PO Scanlon, PO Abramson and PO Kissh all concur with PO Savage's statement, stating that none of them saw PO Savage ever punch or kick § 87(2)(b). § 87(2)(g) alleges that he was punched by PO Savage and his partner during the initial incident and then repeatedly enroute to the precinct. He states that he was punched approximately 15 times. However, § 87(2)(b) also told Investigator in explicit detail the route in

which the MOS took him to the 048 precinct. § 87(2)(g)

Sergeant Duffett, the Desk Sergeant on duty at the time § 87(2)(b) was brought into the precinct, stated that if § 87(2)(b) was injured or appeared injured it would have been noted in the command log entry. Command log entry does not indicate any such questionable condition for § 87(2)(b). Investigator also interviewed § 87(2)(b) only two (2) weeks after the alleged incident, to which Investigator did not see any visable signs of healing bruises on § 87(2)(b) face. § 87(2)(b) also denies receiving medical treatment for any physical injuries incurred. § 87(2)(b) filed a complaint with IAB stating he had pictures of his bruises, however, he did not have them at the time of his interview with CCRB and was uncooperative in returning Investigator's phone calls regarding pictures as well as other information. Also, Investigator noted in § 87(2)(b) interview that while the interview was taking place 10 days after the alleged incident, § 87(2)(b) did not appear to have any visable healing lacerations or contusions § 87(2)(g)

PO Roger Savage frisked § 87(2)(b) in violation of Patrol Guide procedure 104-01(allegation F). PO Savage states that § 87(2)(b) was frisked for officer's safety, however, he also states he had a problem with § 87(2)(b) because he did not wish to be frisked and was flailing his arms about and twisting his body away from him. All four MOS stated in their interviews that UF 250's were prepared for each one of the four (4) young men. Request was made to the 048 precinct and to the Street Crime Unit in regards to UF 250's prepared on scene, however, both indicated at the time that there were no UF 250's for that incident. Final attempts in procurring UF 250's proved positive when Investigator spoke to Sgt. D'Alba at the 048 precinct. UF 250's indicate that four individuals were frisked and that all but one § 87(2)(b) refused to give their name. § 87(2)(g)

PO Abramson used excessive force when he punched § 87(2)(b) in the face in violation of Patrol Guide procedure 104-01 (allegation G). PO Abramson denies the allegation, stating that he never punched § 87(2)(b) at any time during the incident. He stated that at the time, all four males including § 87(2)(b) were standing at the back of the car being frisked for the officer's safety. PO Savage had immediately gone over to § 87(2)(b). PO Abramson stated that he did not recall himself actually frisking anyone; he stated that usually once the individuals are handcuffed, two do the frisking while the other two keep watch. He states that PO Savage began to have a problem with § 87(2)(b) because § 87(2)(b) did not wish to be frisked and was flailing his arms about and twisting his body away from PO Savage. He stated that he assisted PO Savage in getting § 87(2)(b) hands behind his back, getting him to the ground and handcuffing him. Both § 87(2)(b) and § 87(2)(b) witnesses to the alleged incident, state they saw § 87(2)(b) being kicked and punched by MOS on the scene. However, neither had a clear view of the alleged incident, § 87(2)(g). Sergeant Duffett, the Desk Sergeant on duty at the time § 87(2)(b) was brought into the precinct, stated that if § 87(2)(b) was injured or appeared injured it would have been noted in the command log entry. Command log entry does not indicate any such questionable condition for § 87(2)(b). § 87(2)(b) also denies receiving medical treatment for any physical injuries incurred. § 87(2)(b) filed a complaint with IAB stating he had pictures of his bruises, however, he did not have them at the time of his interview with CCRB and was uncooperative in returning Investigator's phone calls regarding pictures as well as other information. Also, Investigator noted in § 87(2)(b) interview that while the interview was taking place 10 days after the alleged incident, § 87(2)(b) did not appear to have any visable healing lacerations or contusions. § 87(2)(g)

PO Robert Abramson kneeled § 87(2)(b) in the face while § 87(2)(b) was on the ground in violation of Patrol Guide procedure 104-01 (allegation H). PO Abramson denies the allegation, stating that he never kneeled § 87(2) in the face at any time during the incident. He stated that at the time, all four males including § 87(2)(b) were standing at the back of the car being frisked for the officer's safety. PO Savage had immediately gone over to § 87(2)(b). PO Abramson stated that he did not recall himself actually frisking anyone; he stated that usually once the individuals are handcuffed, two do the frisking while the other two keep watch. He states that PO Savage began to have a problem with § 87(2)(b) because § 87(2)(b) did not wish to be frisked and was flailing his arms about and twisting his body away from PO Savage. He stated that he assisted PO Savage in getting § 87(2)(b) hands behind his back, getting him to the ground and handcuffing him. He states that in getting someone to the ground who is resisting arrest is to get the person's arms behind their back and push the individual to their knees and hold onto them. Both § 87(2)(b) and § 87(2)(b) witnesses to the alleged incident, state they saw § 87(2)(b) being kicked and punched by MOS on the scene. However, neither had a clear view of the alleged incident § 87(2)(g).

Sergeant Duffett, the Desk Sergeant on duty at the time § 87(2)(b) was brought into the precinct, stated that if § 87(2)(b) was injured or appeared injured it would have been noted in the command log entry. Command log entry does not indicate any such questionable condition for § 87(2)(b). § 87(2)(b) also denies receiving medical treatment for any physical injuries incurred. § 87(2)(b) filed a complaint with IAB stating he had pictures of his bruises, however, he did not have them at the time of his interview with CCRB and was uncooperative in returning Investigator's phone calls regarding pictures as well as other information. Also, Investigator noted in § 87(2)(b) interview that while the interview was taking place 10 days after the alleged incident, § 87(2)(b) did not appear to have any visible healing lacerations or contusions. § 87(2)(g)

Unidentified MOS searched § 87(2)(b) friends' car in violation of Patrol Guide procedure 104-01. All four MOS admit to both frisking the four (4) young men and that the young men's car was searched, however, none of the MOS interviewed recall specifically who searched the vehicle for contraband. All four (4) MOS recall PO Savage frisking § 87(2)(b) and having difficulties in doing so, however, none of them could recall who exactly did what otherwise. Both § 87(2)(b) and § 87(2)(b) witnesses to the alleged incident, could not recall which of the officers did what during the alleged incident. However, both provide descriptions that fit PO Savage and PO Abramson as the MOS who dealt with § 87(2)(b) § 87(2)(g)

Investigator:	<u>M. McHenry</u>	Date:	<u>2/18/98</u>
Supervisor:	<u>Mildred Tarela</u>	Date:	<u>2/18/98</u>
Reviewed by:		Date:	
Reviewed by:		Date:	